

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR**

ORDER

S.B.CIVIL WRIT PETITION NO.4335/2002.

Rajendra Kumar Sharma. VERSUS State of Raj. & Ors.

05.12.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mrs.Manjeet Kaur on behalf of
Mr.R.D.Rastogi, for the petitioner.
Mr.B.K.Sharma, Deputy Government Advocate.

In the writ petition the petitioner has challenged the condition imposed by the respondent No.3, College to the effect that the person having supplementary or compartment in the qualifying examination would not be entitled to seek admission in the LL.B. First Year.

The petitioner approached this court and this court after hearing the learned counsel for the petitioner and going through the writ petition directed notice to be issued to the respondents and the petitioner to be given provisional admission vide order dated 22.07.2002.

The submission of the learned counsel for the petitioner is that the aforesaid condition which was imposed by the respondent No.3, College, was over and above the requirement prescribed under the University Ordinance. It has further been submitted that in pursuance of the admission granted by this court, though provisionally, the petitioner has already completed the

course since admission was granted in the Session 2002-2003.

No reply has been filed by the respondents.

I have perused the writ petition and gone through the contents and more particularly Rule 15 of the admission Rules incorporated by the respondents as applicable to University Law Colleges which reads as under:-

"A candidate who is declared eligible to appear at the Supplementary Examination may be provisionally admitted at his own risk to the next higher class in the beginning of the session by the last date fixed for admission subject to the condition mentioned in clause (2) below:

(1)A candidate who fails or absents himself at the supplementary examination shall have no right to continue in the next higher class and his provisional admission to the next higher class shall automatically stand canceled. A candidate whose provisional admission to the lower class within 10 days from the date of declaration of the supplementary examination result and in that case his attendance may be counted from the date of joining the lower class.

(2)A candidate who passes at the supplementary examination may be admitted to the next higher class within 10 days from the date of declaration of the supplementary examination result, provided a seat is available and he has filled-up his Admission Form within time as notified by the college."

In the light of the above, the petitioner who had

secured supplementary and was eligible to appear at the supplementary examination in B.A. and has successfully passed the supplementary examination was eligible for being admitted provisionally subject to the condition of his clearing the supplementary examination.

The petitioner, therefore, could not be denied admission by the College. The petitioner has passed the supplementary examination and also the LL.B. Examination as submitted by the learned counsel for the petitioner.

In view of the above, the interim order is made absolute. The writ petition is disposed of with direction that the admission granted to the petitioner is also made absolute and result be declared accordingly.

Consequently, the writ petition as well as the stay application stand disposed of, as indicated above.

(DALIP SINGH), J.

Solanki DS, Jr.P.A.